

# EXHIBIT 5



Jonathan Bach  
+1 212 479 6470  
jbach@cooley.com

July 17, 2018

Robert Boone  
Noah Solowiejczyk  
Assistant United States Attorneys  
U.S. Attorney's Office, SDNY  
1 Saint Andrews Plaza  
New York, NY 10007

**Re: United States v. Chuck Person et al., 17 Cr. 683 (LAP)**

Dear Robert and Noah:

We have reviewed the government's July 13, 2018 letter responding to my June 19, 2018 request for particulars with respect to the "business, transactions and series of transactions" that the government claims were the object of the alleged intent to influence and reward (or to be influenced and rewarded).

In an effort to avoid motion practice, your letter identifies the following "business" in response to my request: "Person is alleged to have accepted bribery payments to influence his conduct with respect to the business of Auburn University – namely with respect to the conduct of Auburn University's basketball program – and the performance of his duties as an associate coach at Auburn University." (Emphasis added.) The government similarly states in its opposition to the motions to dismiss that the conduct at issue "involved the 'business' of Auburn" insofar as it "affected Auburn's ability to run a NCAA compliant program and subjected Auburn to penalties by the NCAA."

Toward the same end of avoiding motion practice, please confirm that this is the only "business" that the government will attempt to prove in this regard at trial. Please also confirm that the government does not intend to prove any "transactions" or "series of transactions." If such confirmation is provided, we will not file a motion for further particulars but will instead rely on your letter of July 13, 2018. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to be "JB", enclosed within a large, loopy circular flourish.

Jonathan Bach